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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/816,746	04/01/2004	Wray Russ	033131-015	1370

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EXAMINER

TADESSE, YEWEBDAR T

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/816,746

Applicant(s)

RUSS, WRAY

Examiner

Yewebdar T. Tadesse

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 23-27 is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Terminal Disclaimer

1. The terminal disclaimer filed on 05/17/2005 disclaiming the terminal portion of any patent granted on this application which would extend beyond the expiration date of 10/272,325, now patent no. 6,887,313, has been reviewed and is accepted. The terminal disclaimer has been recorded.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 12 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa (US 6,332,680) in view of Cummins et al. (US 6,760,052).

Ozawa discloses an in-line marking system comprising a dispenser (5) for dispensing markable mediums having a central hole; a conveyor belt assembly; a marking device; and a receptacle (61) adapted to accept the medium after marking that is detachable from the conveyor belt assembly (column 4, lines 11 – 60), the receptacle comprising: a housing (612), considered to be detachable (since this is an apparatus with multiple parts that are all individually attached and can therefore be unattached by a variety of means), and adapted to receive the medium from the conveyor belt assembly, the housing having a guide member considered to be the top of the housing,

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at least one support member or walls of the housing, and a base member; and a removable hopper (611) adapted to receive the medium from the guide member, the hopper comprising a spindle (615) attachable to a base, wherein the spindle is adapted to receive a plurality of mediums from the guide member, and a hopper guide (615a) adapted to position the hopper within the housing (Figures 1 and 4; column 6, lines 13 – 60). Ozawa lacks teaching the guide member guiding the disk from the conveyor surface into the hopper. Cummins et al discloses (see Fig 9 and column 6, lines 42-67) guide member guiding the disk from the conveyor surface (disc trays) into the hopper (110). It would have been obvious to one of ordinary skill in the art at the time the invention was made to include guide member guiding the disk from the conveyor surface into the hopper in Ozawa to provide storage of completely recorded and printed disk.

4. Claims 1, 2, 5 – 7, 9 – 11, 13, 15 – 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Cummins et al (US 6,760,052) as applied in Claims 12 and 21 above, in view of Wolfer et al. (U.S. Patent No. 6123020).

Ozawa discloses all the limitations of Claims 12 and 21, including a spindle in the hopper; a platform (616) adapted to receive the disk from the guide member; and an elastic body or spring (617) positioned between the base and the platform (Figure 4; column 6, lines 13 – 30), but does not disclose the hopper to comprise a plurality of posts affixed to a base, nor does it disclose two guide members, the first guide member to comprise a plate like member having a circular opening adapted to guide the disk into

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the hopper that includes at least one stop and the second guide member configured to control the movement of the medium in a vertical direction. However, Wolfer et al. disclose a plurality of posts (54, 56, 58) affixed to a base, which forms a hopper (Figure 2), and discloses two guide members (60) (62) that include means for a stop (74) (column 3, line 29 – column 4, line 11). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to design the hopper with posts as an equivalent, alternative design to using a cylinder; and it would have been obvious to one of ordinary skill in the art to include two guide members in the housing that include means for a stop to simply, reliably and accurately dispense disks into the removable hopper (column 1, lines 54 – 56).

5. Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Wolfer et al. and Cummins et al. as applied in Claim 1 above, further in view of Pottier (U.S. Patent No. 6494309).

Ozawa and Wolfer et al. disclose all the limitations of Claim 1, including the spindle being attachable to a base (Ozawa: Figure 2), but do not specifically disclose the spindle to have a tapered second end wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform. However, Pottier discloses using a tapered second end of a spindle wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform (Figure 1; column 4, lines 9 – 19). Therefore it would have been

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obvious to one of ordinary skill in the art at the time of the invention to design the second end so that it is tapered as claimed so that the disks may be easily threaded over said spindle (column 4, lines 16 – 17).

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa and Wolfer et al. and Cummins et al. as applied in Claim 1 above, further in view of Dinh et al. (U.S. Patent No. 6312522).

Ozawa and Wolfer et al. disclose all the limitations of Claim 1, including removing from the housing (612) the hopper (611) (Ozawa: column 6, lines 48 – 51), but do not specifically disclose a handle adapted to remove the hopper from the housing.

However, Dinh et al. disclose using a handle adapted to remove a hopper carrying discs from a housing (Figure 4; column 6, lines 31 – 54 and column 6, line 65 – column 7, line 36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a handle adapted to remove the hopper from the housing to facilitate handling (column 6, lines 50 – 55).

7. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Cummins et al. as applied in Claim 12 above, further in view of Pottier.

Ozawa as modified discloses all the limitations of Claim 12, including the spindle being attachable to a base (Figure 2), but does not specifically disclose the spindle to have a tapered second end wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends

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through the hole in the platform. However, Pottier discloses using a tapered second end of a spindle wherein the second end has a diameter less than a diameter of the hole in the platform such that the tapered end of the spindle extends through the hole in the platform (Figure 1; column 4, lines 9 – 19). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to design the second end so that it is tapered as claimed so that the disks may be easily threaded over said spindle (column 4, lines 16 – 17).

8. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ozawa in view of Cummins et al. as applied in Claim 12 above, further in view of Dinh et al.

Ozawa as modified discloses all the limitations of Claim 12, including removing from the housing (612) the hopper (611) (column 6, lines 48 – 51), but does not specifically disclose a handle adapted to remove the hopper from the housing. However, Dinh et al. disclose using a handle adapted to remove a hopper carrying discs from a housing (Figure 4; column 6, lines 31 – 54 and column 6, line 65 – column 7, line 36). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use a handle adapted to remove the hopper from the housing to facilitate handling (column 6, lines 50 – 55).

Allowable Subject Matter

9. Claims 23-27 are allowed.

10. The following is a statement of reasons for the indication of allowable subject matter: in view of the appropriately filed terminal disclaimer claims 23-27 are passed for allowance.

Response to Arguments

11. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yewebdar T. Tadesse whose telephone number is (571) 272-1238. The examiner can normally be reached on Monday-Friday 8:00 AM-4: 30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


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